

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 27, 37, 38, 40, and 41 are pending. Claims 27, 37, 38, 40, and 41 are amended, Claim 39 is canceled without prejudice or disclaimer, and new Claim 44 is added by the present amendment. It is respectfully submitted that no new matter is added by this amendment, as support for the amendments may be found at least at page 41, lines 21-24, page 44, lines 16-20, and Figures 1 and 12.

In the outstanding Office Action, Claims 27 and 37-41 were rejected under 35 U.S.C. §102(e) as anticipated by Kim et al. (U.S. Pat. No. 6,740,135, hereinafter "Kim") and Claims 27 and 37-41 were rejected under 35 U.S.C. §103(a) as unpatentable over Hiroshima et al. (U.S. Pat. No. 5,801,781, hereinafter "Hiroshima") in view of Miwa (U.S. Pat. No. 6,285,825).

With regard to the indication in the outstanding Office Action that Claims 39-41 will be objected to under 37 C.F.R. §1.75 if Claims 27, 37, and 38 are found allowable, it is respectfully submitted that the present amendment addresses this potential objection. Claim 39 is canceled and Claims 40 and 41 are amended such that they are not substantial duplicates of Claims 37 and 38.

With regard to the rejection of Claims 27 and 37-41 under 35 U.S.C. §102(e) as anticipated by Kim, that rejection is respectfully traversed.

Amended Claim 27 recites an information medium comprising:

a data area configured to record the bitstream
information, and a management area configured to record the
management information, wherein
a first data unit defines a data packet of transport
packets or application packets,
a second data unit defines a data unit of stream blocks
or stream object units,

a third data unit defines an object data of said stream object,
said bitstream information to be recorded in the data area is configured by at least one said third data unit including at least one said second data unit including one or more pairs of said first data unit and reception time information,
said second data unit includes header information,
said header information includes reception time-related information, and
the management information is used to access the bitstream information to reproduce at least one data unit with said reproducing apparatus.

Kim relates to a method and apparatus for recording MPEG data streams to a digital video disc (DVD). Kim describes that the data stream is grouped into stream object units (SOBUs).¹ The SOBUs include transport stream packets (TS Pkt n) having transport stream packet arrival times (TS APATs).² However, as shown in Figure 3, although transport packets have headers, the SOBUs do not include any header, much less a header including reception time-related information. Accordingly, it is respectfully submitted that Kim does not teach or suggest a “second data unit” as recited in Claim 27. Therefore, as Kim fails to disclose or suggest the features of Claim 27, it is respectfully submitted that Claim 27 (and new Claim 44 dependent therefrom) is patentable over Kim. As Claims 37, 38, 40, and 41 recite similar features to Claim 27, it is further respectfully submitted that Claims 37, 38, 40, and 41 also patentably define over Kim.

With regard to the rejection of Claims 27 and 37-41 under 35 U.S.C. §103 as unpatentable over Hiroshima in view of Miwa, this rejection is also respectfully traversed.

Hiroshima discloses an apparatus for converting MPEG-1 data to MPEG-2 formatted data. Hiroshima describes the stream as including packs (78) which may include a system clock reference (SCR) (106), a presentation time stamp (PTS) (124), and a decoding time stamp (DTS) (126).³ However, it is respectfully submitted that SCR, PTS, or DTS are not a

¹See Kim, column 3, lines 31-50.

²See Kim, column 3, lines 23-30 and Figure 3.

³See Hiroshima, column 8, line 57 to column 9, line 8 and Figure 5.

“reception time” nor are they “reception time-related information.” SCR is the incrementing system clock. When $PTS = SCR$, the data is presented. DTS is the time stamp recorded when the data is decoded (when the data is decoded, DTS is made equal to the current value of SCR). Thus, none of these values are a “reception time” or “reception time-related information,” as recited in Claim 27. Accordingly, it is respectfully submitted that Hiroshima does not teach or suggest a “second data unit” as recited in Claim 27.

Miwa relates to a computer readable storage medium storing a recording program. Although Miwa discloses VOBUs including header information, it is respectfully submitted that there is no teaching or suggestion in Miwa for a header including “reception time-related information,” as recited in Claim 27.

Figures 6A-6D of Miwa show a VOBUs including a pack header, a system header, and a packet header. However, it is respectfully submitted that the description of these headers from column 9, line 50 to column 11, line 2 of Miwa does not teach or suggest that any of these headers contain “reception time-related information.” Further, Figures 7A-7D of Miwa show an audio packet including a pack header and a packet header. Again, it is respectfully submitted that the description of these headers in column 11, lines 3-60 of Miwa does not teach or suggest that either of these headers contain “reception time-related information.” Finally, Figures 13A and 13B of Miwa show packets including a padding packet and stuffing bytes. The illustrated packets include a pack header and a packet header. However, it is respectfully submitted that the description of these headers in column 16, lines 12-31 of Miwa does not teach or suggest that either of these headers contain “reception time-related information,” as recited in Claim 27. Thus, it is respectfully submitted that Miwa does not teach or suggest a “second data unit” as recited in Claim 27.

As neither Hiroshima nor Miwa nor, either alone or in combination, discloses or suggests the features recited in Claims 27, 37, 38, 40, and 41, it is respectfully submitted that

Claims 27, 37, 38, 40, and 41 (and new Claim 44 dependent therefrom) patentably distinguish over the applied combination of Hiroshima and Miwa. Accordingly, it is respectfully requested that this rejection be withdrawn.

Moreover, it is respectfully submitted that there is no basis in the teachings of either Hiroshima or Miwa to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings within either of these two references to support the applied combination. Therefore, it is respectfully submitted that the combination of Hiroshima and Miwa is based upon hindsight reconstruction, and is improper.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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